

UNITED STATES DISTRICT COURT FOR THE MIDDLE  
DISTRICT OF TENNESSEE

BARBARA CARDIN and  
VALERIE LINEBERRY,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

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No. \_\_\_\_\_

COMPLAINT

Plaintiffs, Barbara Cardin and Valerie Lineberry, hereby sue the United States of America.

For their causes of action, Barbara Cardin and Valerie Lineberry state the following:

INTRODUCTION AND PARTIES

1. Barbara Cardin is a resident of Madison, Tennessee.
2. Valerie Lineberry is a resident of Mt. Juliet, Tennessee.
3. Barbara Cardin and Valerie Lineberry shall be referred to hereinafter as “Plaintiffs”.
4. An individual believed to be named Dylan Rice was involved in the crash at issue in this case with the Plaintiffs. Hereinafter, this individual shall be referred to as “Dylan Rice”.
5. At all relevant times, Dylan Rice was acting within the scope of his office or employment with The United States of America. Specifically, it is believed he was employed by the United States Air Force or was in some other way legally connected to the United States Air Force.
6. On or about January 23, 2021, Dylan Rice was involved in a motor vehicle crash while acting within the scope of his office or employment with the Defendant.

7. Defendant, The United State of America, is liable and/or responsible for the negligence, wrongful act(s) and/or omission(s) of Dylan Rice with respect to the matters at issue in this case.

8. Defendant, The United States of America, is subject to the Federal Tort Claims Act and subject to the jurisdiction of this Court pursuant to 28 U.S.C.A. §1402(b).

9. Plaintiffs bring this action against the Defendant under the Federal Tort Claims Act, 28 § U.S.C.A. 1346(b)(1) and 28 § U.S.C.A. 2671 et seq., based upon the negligence, wrongful act(s) and/or omission(s) of Dylan Rice as detailed in part below.

#### JURISDICTION AND VENUE

10. This Court has jurisdiction over the subject matter of this Complaint under 28 § U.S.C.A. 1331 and 1346(b).

11. Plaintiffs have properly exhausted their administrative remedies as required by the Federal Tort Claims Act.

12. Venue is proper with this District under 28 § U.S.C.A. 1402(b) because the Plaintiffs reside in this district and because the act or omission complained of occurred in this district.

#### FACTS

13. On or about January 23, 2021 while acting within the scope of his office or employment with the Defendant, Dylan Rice's negligence, wrongful act(s) and/or omission(s) caused a crash to occur between the vehicle he was driving and a vehicle being driving by Barbara Cardin and in which Valerie Lineberry was a passenger on or near I-65 in or near White House, Tennessee. Hereinafter, this event shall be referred to as "the collision."

14. As a result of Dylan Rice's negligence, wrongful act(s) and/or omission(s) and the

collision, Plaintiffs suffered damages, including, but not limited to, physical pain and suffering, mental anguish, emotional distress, potentially permanent injuries, lost wages, and a diminished capacity for enjoyment of life.

15. Because of the medical care required and actually given in the treatment of Plaintiffs' injuries, Plaintiffs incurred expenses and may incur expenses in the future.

16. Such common law acts of negligence by Dylan Rice proximately causing the collision and Plaintiffs' damages include, but are not limited to, his:

- a. Failure to use reasonable care.

17. Such statutory acts of negligence by Dylan Rice proximately causing the collision and Plaintiffs' damages include, but are not limited to, his:

- a. Failing to exercise due care in violation of Tenn. Code Ann. § 55-8-136;

18. Plaintiffs allege that all the aforementioned acts and omissions by Dylan Rice constitute negligence and that these wrongful acts and omissions were proximate causes of the collision and Plaintiffs' damages for which Defendant is liable and/or responsible.

WHEREFORE, the Plaintiffs demand judgments against Defendant for all available damages in the amount of \$500,000.00 for Barbara Cardin and \$750,000.00 for Valerie Lineberry, an award of discretionary costs and court costs, prejudgment and post-judgment interest and any further possible relief available to Plaintiffs.

Respectfully submitted,

<p>SUTHERLAND &amp; BELK.</p> <p>By: <u>/s/Taylor Sutherland</u> Taylor Sutherland, BPR 026624 2323 21<sup>st</sup> Avenue South, Ste. 201 Nashville, TN 37212 <a href="mailto:taylor@sbinjurylaw.com">taylor@sbinjurylaw.com</a> <i>Attorneys for Plaintiffs</i></p>	<p>BART DURHAM INJURY LAW</p> <p>By: <u>/s/Blair P. Durham</u> Blair P. Durham, BPR #021453 406 11<sup>th</sup> Avenue North, Ste. 200 Nashville, TN 37219 (615) 242-9000 <a href="mailto:blairdurham@bartdurham.net">blairdurham@bartdurham.net</a> <i>Attorneys for Plaintiffs</i></p>
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